



## **Department of Environmental Protection Temporary Noise Waiver Application**

### **Authority**

Chapter 31B, Section 31B.11(a), of the Montgomery County Code allows the Director of the Department of Environmental Protection (DEP) to waive any part of Chapter 31B for a temporary event if the noise the event will create or cause in excess of the limits established under Chapter 31B is offset by the benefits of the event to the public.

### **Application Process**

*Review the Code:* The applicant should review and understand the requirements of Chapter 31B, Noise Control, of the Montgomery County Code. Chapter 31B can be found at <http://www.montgomerycountymd.gov/dectmpl.asp?url=/Content/dep/community/ordinance.asp>. Questions regarding any provision of the code should be directed to DEP via e-mail at [depnoisewaiver@montgomerycountymd.gov](mailto:depnoisewaiver@montgomerycountymd.gov).

*Timing of Application:* In accordance with Section 31B.11(a)(2), DEP is required to provide public notice of any Temporary Noise Waiver request in a manner that could reasonably reach a majority of households that might be affected by the issuance of the waiver. To fulfill this requirement, DEP may publish notices regarding Temporary Noise Waiver requests in a local newspaper. A Temporary Noise Waiver can not be issued until at least 10 days after publication of the notice in the paper. As a result, a Temporary Noise Waiver application that is deemed complete by DEP must be received at least 21 days prior to the date the waiver is needed in order to allow for the public notification process.

*Submission of Application:* Completed applications can be submitted electronically (preferred) or in hard copy. DEP is not responsible for delays in receipt of hard copy applications submitted via the postal service or other delivery method. Applications can be submitted electronically by clicking on the "Submit by e-mail" button at the end of this application. Hard copies should be sent to:

Attn: Temporary Noise Waiver  
Department of Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, MD 20850

A non-refundable processing fee must be submitted with the application. See Page 3 for details.

*Completing the Application:* The applicant must complete all fields in the application. Incomplete applications will be returned, which may delay processing of the application. Particular attention should be given to providing complete and thorough responses to the items related to the justification for requesting a Temporary Noise Waiver. Additional information (site plans, equipment specifications, mitigation plans, etc.) may be attached to the e-mail that transmits the application.



## Department of Environmental Protection Temporary Noise Waiver Application

### Applicant Information

Applicant Name: Purple Line Transit Constructors

Address: 6811 Kenilworth Ave City: Riverdale Zip Code: 20737

Primary Contact Name: Kevin Murray

Phone Number: 206•225•1646 E-mail Address: kevin.murray@pltcllc.com

### Noise Source Information

Location of noise source or activity for which the waiver is requested:

4707 Elm Street, Bethesda, MD 20814

Description of noise source or activity that will create the noise:

Concrete operations for the future WMATA Bethesda Station South Entrance and Bethesda Purple Line Station. Specific activities that will take place during this operation include waterproofing, rebar, and form work installation along with concrete pumping, placement, and concrete finishing. Adjacent to the Elm Street Site additional property in Woodmont Plaza will be utilized to support the operations on Elm Street.

Date(s) and time(s) for which the waiver is requested:

*(for example: 9:00 pm, May 1, 2010 to 7:00 am, May 2, 2010)*

November 27, 2019 February 29, 2020

24 hours (weekdays), 5 am • 11 pm (weekends) 24 hours (weekdays), 5 am • 11pm (weekends)

### Justification for Requesting a Temporary Waiver

Why is a Temporary Noise Waiver being requested?

Project site size restrictions limit the usable space required to stage a second concrete pump which is necessary to achieve the specified concrete placement requirements for the project. The plan is to utilize an approved Maryland SHA lane closure on Wisconsin Ave to stage and service the second pump truck. The SHA permit restricts the lane closure to the hours of 9:00pm to 5:00am.



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How will the public benefit if a Temporary Noise Waiver is issued?

A Temporary Noise waiver for this phase of the project will help minimize disruptions to traffic along Wisconsin Ave by reducing the amount of trucking and lane closures during the daytime and rush hours.

A temporary noise waiver also ensures all hours of the day can be worked by the project team. The public with benefit from a reduction of this specific activity's duration. This ultimately helps facilitate an on time delivery of the Purple Line Project. Once completed the public will have access to the 16.2 mile, east-west alignment of light rail tracks that will serve the neighboring communities with 21 stations. This includes connections to existing WMATA infrastructure at Bethesda, Silver Spring, College Park, and New Carrollton. Bethesda specifically is identified by the County with its Capital Improvement Program (CIP #500929) and will include a new South Entrance to the WMATA Station along with common space shared with neighboring 7272 Wisconsin Ave development and future Woodmont Plaza Park. The project also offers upgrades to the Capital Crescent Trail which will replace the current trail within the Georgetown Branch right-of-way, as well as extend the trail alignment to Silver Spring.

If a Temporary Noise Waiver is issued, DEP may set conditions on the applicant. Describe the steps that have been taken or will be taken to reduce the level or duration of the noise for which the waiver is requested:

The following steps will be taken to reduce overall noise levels and durations for the concrete operations:

Noise levels are currently being monitored at the nearest sensitive building, the Residence Inn located at 7335 Wisconsin Ave. Noise monitor is located 150 feet from the project site. Decibel levels are logged on site and will be available for inspection and review upon request. The Residence Inn has reported no noise complaints or significant impacts while after hours work has been performed under noise waivers previously granted.

The majority of the work activities are performed below grade. The walls of the excavation will shield the neighboring properties from noise.

Particular activities that generate higher levels of noise will be performed during daytime hours as much as possible.

The concrete pumping activities that create the higher levels of noise will likely coincide with roadway utility work to be performed by the adjacent 7272 Wisconsin Avenue project. Properly coordinating these two activities to occur at the same time reduces the noise impact and duration to the public.

Construction equipment will be outfitted with white noise back-up alarms in lieu of standard, high pitched alarms. Equipment will be inspected daily, be well-maintained, and have effective mufflers. All equipment will be operated at the minimum level necessary to get the job done. Equipment idling will be kept to a minimum.

Submit by E-mail

Print Form

## Application Fees

A non-refundable processing fee based on the fee schedule below must accompany this application. (If the application is submitted electronically, a check must be received by mail or other delivery service prior to publication of the required public notice.) Checks should be made payable to Montgomery County, Maryland.

Activity	First Noise Source/Site	Each Additional Source/Site
Residential, single-family	\$50	n/a
Residential, all others	\$230	+ \$25 per source/site
Construction (all types private)	\$350	+ \$25 per source/site
Commercial	\$350	+ \$25 per source/site
Industrial	\$350	+ \$25 per source/site
Transportation	\$350	+ \$25 per source/site
Government	\$350	+ \$25 per source/site

Questions? Contact DEP at [depnoisewaiver@montgomerycountymd.gov](mailto:depnoisewaiver@montgomerycountymd.gov) or 240-777-7746.

Revised: March 2011

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